IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1132 OF 1994

The State of Maharashtra ..Appellants

versus

Rajaram Chahu Mhatre & ors ..Respondents

Mr. B. R. Patil, AGP for the Appellants - State.

Mr. K. N. Kore for the Respondents.

CORAM : D. G. DESHPANDE,J.

DATE : 17H JANUARY,2005

ORAL ORDER :

1. Heard learned AGP for the Appellants - State and Mr. Kore learned counsel for the respondents.

2. This appeal is filed challenging the enhancement of compensation to the claimants.

3. The date of notification under Section 4 was 4.12.1970 and under Section 6 it was 5.10.1972. The date of Award was 1.8.1986. The land acquired was 41 Ares or 4098 sq.meters of village Gothivali. SLAO granted compensation at Rs.4.20 per sq. meters. The lower court enhanced it to Rs.12/=. It

is this order of enhancement that is challenged by the State in appeal.

4. Even after hearing learned AGP for the State, there is no ground for reduction of the compensation awarded. Paragraph 12 of the judgment of the lower court is very clear where the lower court relied upon three orders in three references from the same village in respect of the land acquired under the same notification. The courts found that the compensation awarded was Rs.12/- per sq. meter and therefore considering the relevancy of those judgments, the fact that there are of from the same village and the fact that the notification is the same that court awarded Rs.12/- per sq. meter as compensation to the present respondents. There is therefore no reason to reduce the compensation. Hence appeal is dismissed with no order as to costs. Certified copy expedited.

17.1.2005 (D. G. DESHPANDE, J.)